

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|--|
| DENNIS O'BRIEN, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 11-979 |
| |) | |
| v. |) | U.S. District Judge Terrence F. McVerry |
| |) | |
| ARCHABBOT COUBLAS NOWICKI; |) | Chief Magistrate Judge Lisa Pupo Lenihan |
| JACK PERRY; and SAINT VINCENT |) | |
| ARCHABBEY, an unincorporated |) | |
| association, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

The Complaint in the above captioned case was received by the Clerk of Court and was referred to United States Chief Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Chief Magistrate Judge's Report and Recommendation filed on January 27, 2012, recommended that the Motion to Dismiss filed by Defendants be granted as Defendants owed (a) no general duty as to the claims alleged and (b) no particularized duties to Plaintiff other than those arising from his attendance as a student forty (40) years ago – as to which the statute of limitations has long expired. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of

the Local Rules of Court, that they had fourteen (14) days to file any objections. Plaintiff's Objections and Defendants' Opposition to those Objections were timely filed with respect to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 14th day of March, 2012,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lenihan, dated January 27, 2012, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court is to mark this case closed.

s/Terrence F. McVerry
United States District Judge

cc: Counsel of record.